G R S IX-5]

Previous references

Preserve for 2/15 yrs.

File No 57. 18

Serial No: 1

1918.

(Miscl)

Later references

II 53 – 2nd Sept 13

II 107 – 27 Sept 17

II 107 – 29 Oct 17

GENERAL AND REVENUE SECRETARIAT.

Serial No: 1

Part B for July, 1918

SUBJECT

Election Rules for Minor Municipal Councils

(1) To the Compilation Supplement to Gazette No 600 of 8 7 18

Make rules prescribing the qualifications of Voters & candidates for Election of members Councillors in Minor Municipalities in which the Election system is introduced

W D 85—GRB—50,000—24-7 16

S Narasimhan, 30/7/18

GENERAL AND REVENUE SECRETARIAT

(Mun)

NOTES

File No

FILE HEADING

Election Rules for Minor Municipal Councils.

From

No	Dated	Received

Diary No	Enclos	Spare Copies	Serial No

BRIEF ABSTRACT OF LETTER

NOTES AND ORDERS

P 7 O

NOTES—First Sheet

WD 1232—GPB—20 000—18 11 16

L' & F (1) Mis 668

17

G R.S III—3]

Routine Notes

[To be used only for notes, requisitions, etc, not intended for permanent record]

Extract from the Notes on
L & F (1) Mis 134/16

× × ×

24 As regards minor Municipalities the election may should be simple The Special Officer may well refer to decentralized Commissioners report & suggest some mode of informal election without much red tape.

(Sd)

2 The draft rules are herewith submitted The Rev Secy on Spl Duty was of opinion that it was not possible to dispense with the formalities of Municipal elections but that the Dy Comr should be empowered to dispose of the election petitions. The draft rules have been prepared in accordance with the (rather, the Exg) existing electoral rule have

N B —Should routine notes be written on small slips, the notes must be copied or slips pasted on this form

W D 84—GPB—60 000—20 7 16

GRS III—3]

LF Mss 668 2/17

Routine Notes

[To be used only for notes, requisitions, etc, not intended for permanent record]

have been amended)— in accordance with the above minister opinion.

3. Rules for bondelectris has been deleted as being unnecessary. The rules relating to electoral petitions have been taken from the jab Ind Manual. The Dr Com- is empowered to Publish the names of results of elections in the Gazette & order by-election

#11

2

4 Please remember this

MK

Yunker file

N B —Should routine notes be written on small slips the notes must be copied or slips pasted on this form

W D 84—GPB—60 000—20 7 16

3

GRS III—3]

Routine Notes.

[To be used only for notes, requisitions, etc, not intended for permanent record]

5 I have gone through the Election rules for municipal Councils They are generally based on the rules now in force, & Town & City municipal Councils Slight alterations regarding property qualifications of electors and candidates for election have been made

The rules as they now stand however appear to be rather elaborate in regard to nomination for Candidature and taking of votes They rules might be simplified Separate rules in this behalf have been suggested on slips of paper attached thereto

6 Additional rules based on the pursuant rules have been suggested in regarding matters relating to Election petitions These ~~rules~~ ~~though~~ ~~not necessary~~ and indicate the procedure to be adopted for disposing of petitions alleging misconduct by elected candidates, the final disposal of such petitions resting with the Dist Comm

see all the papers kindly noted Please tabulate them Monday

25/10

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W D 84—GPB—60 000—20 7 16

Rec'd

9/10/17

105
21-10-17 (2nd member)

7

21/10/17

G.R.S. III—3]

Routine Notes

[To be used only for notes, requisitions, etc., not intended for permanent record]

Q Attention is invited to the first para of these notes. The Special Duty Officer was requested to simplify the election rules for minor municipal Councils so as to relieve ~~suffragists~~ Councils from the difficulties from the Duty Councils upon the Municipal Councils were called for in the matter

A.W.

27 10 1917

(2nd Member)

MC 27/10

196
28 10 17

It will be made the duty of some to make rules [illegible] & there adapt & simplify them for minor municipal

Published at pages 152-160 of Pt III of the Gazette of 18 7 1918

NB—Should routine notes be written on small slips the notes must be copied or slips pasted on this form

W D 84—GPB—60 000—20 7 16

Issue MC 7/18

Note No 605 and 57 18 1 Duty Election Rules Minor Mun Cls

Draft Election Rules for Minor Municipal Councils.

4 7 18

Notification No. 600
No. S7/98-1.
No. S7/98-XC4

In exercise of the powers conferred by Section 11 (c) of the Mysore Municipal Regulation, No. VII of 1906, and in supersession of the existing Rules on the subject, the Government of His Highness the Maharaja of Mysore are pleased to make the following Rules prescribing the qualifications of voters and candidates at elections of Municipal Councillors in every Minor Municipality in which the elective system is introduced, and regulating the conduct of such elections.

Preliminary

Title of the Rules

1. These rules may be cited as the Election Rules, for minor municipal councils, 1918.

~~Title of these rules.~~

Definitions.

Published at pages 152-160 of Pt-III of the Gazette dated 18-7-1918

2. In these rules (i) " a new Municipality " means a Municipality newly established by the Government of His Highness the Maharaja of Mysore, but of which the first Municipal Councillors have not yet entered upon their office ;

(ii) " the Deputy Commissioner" means the Deputy Commissioner of the District in which the Municipality in question is situate and includes an Assistant Commissioner to whom the Deputy Commissioner may delegate, as

he is hereby empowered to delegate, any of his powers or duties under -- these rules ;

(iii) " the Regulation " means the Mysore Municipal Regulation, VIII of 1906

Qualification of Voters

3. " Unless disqualified under -- Section 21 of the Regulation by being less than 21 years of age, all persons who are subjects of Mysore or of any other State in India and all British Subjects, qualified as voters under Section 12 (a) and (b) of the -- Regulation and the following persons of the male sex, shall be entitled to have their names entered in the list of voters, viz .y Note.

who are of sound mind and who are not deaf mutes or lunatics

(i) First and second grade pleaders holding Sannads from the Chief Court of Mysore.

(ii) Persons upon whom titles have been conferred by the Government of India, or, by His Highness the Maharaja of Mysore ,

(iii) Servants of Government, ~~or of any public body~~, or of any -- corporation, or of any company ~~registered under Regulation, VIII of 1906~~, whose salary is not less than Rs.10 per mensem,

who have been residents of the Municipality for not less than six consecutive months prior to the date of the publication of the list of voters of 1917

(iv) Patels and shanbhogs actually doing the duties of their respective offices ;

(v) Persons in receipt of pension of not less than Rs.7 per mensem from Government or from any public body, or corporation or company -- registered as aforesaid

(vi) Registered land-holders whose holdings are assessed (or in the case of alienated lands would be assessed if they were not alienated) to the land -- Revenue at an amount not less than Rs.2.

(vii) Persons who have obtained a completed Secondary School leaving certificate, and,

who have been residents of the Municipality for not less than six consecutive months next prior to the date of publication of the list of voters.

(viii) Persons who have passed the Kannada Upper Secondary Examination.

(ix) (a) Persons who have paid for a period of not less than six months prior to the date of the publication of the list of voters, Municipal taxes other than octroi or toll, of an amount not less than Re.1.

(b) Persons who have been during the period aforesaid the occupiers as owners, mortgagees or tenants of buildings on account of which there has been paid for such period a tax of not less than the amount fixed under the above para.

(x) In the case of a new Municipality

(a) Persons holding immoveable property within the Municipality valued by the Deputy Commissioner, or such officers he appoints in this behalf at Rs.200 or more.

(b) persons who have paid in respect of the year immediately preceding the election, mohatarfa tax of an amount not less than Rs.2/- and

(c) persons who have been residents of the Municipality for not less than six consecutive months prior to the date of publication of the list of voters and who have paid to Government or to an Inamdar for the last revenue year previous to the said date, on account of land revenue or, of rent of land, a sum of Rs.10 or more.

Provided that -

(a) when any qualification prescribed by this rule is possessed by an undivided family, or any association or body of individuals, other than a company or firm or any trustees, being two or more in number of any building or land, any one individual person duly authorised in this behalf by the members of such family, association or body or by such trustees, and when such qualification is possessed by any company or firm, the resident member, manager or agent thereof, shall, unless he is disqualified under section 21 of the Regulation on

account of being less than 21
years of age, be entitled to have
his name entered in the list of
voters on behalf of such family
association or body or trustees
or company or firm.

(b) If any person whose name is
entered in the said list under
proviso (a) possess, on his own
separate account any qualification
prescribed as aforesaid, he shall
be entitled to have his name
entered in the said list separately
on his own account ;

(c) except in the case mentioned in proviso (b), no person shall be entitled to more than one vote although he be qualified under two or more heads of qualification prescribed by this rule or by Sec 12 of the Regulation

What persons may be candidates at a Municipal election.

4. Voters of the classes described below shall, unless illiterate or disqualified under section 15 of the Regulation, be qualified to be candidates for Municipal Councillorship at such election :-

(a) persons mentioned in Section 12 (a) and (b) of the Regulation,

(b) persons mentioned in paras (i) (ii), and (iv) vii and viii of rule 3 supra,

(c) persons described in para (iii) of the above said rule, if their pay is not less than Rs.25 other than Govt Servants

(c) persons whose [illegible] Govt Servants should not [illegible]

(d) pensioners of the kind described in para (v) of Rule 3 supra provided that their pension is not less than Rs.10 a month,

(e) Registered land-holders whose holdings are assessed (if they were not alienated) to the land revenue at an amount not less than Rs.5,

(or in the case of alienated lands would be assessed)

(f) (1) persons paying municipal taxes of amounts not less than Rs.12

(2) persons who have been the occupiers as owners, mortgagees or tenants of buildings on account of which there has been paid a tax of not less than the amount fixed under the above sub-para, and

(g) in the case of New Municipalities (1) all persons mentioned in (a), (b) (c) and (d); (1) persons owning immovable property valued at not less than Rs.250 Rs.100 (111) persons who have paid in respect of the year --

immediately preceding the election, mohatarfa tax of an amount not less than Rs.6 and (iv) persons who have paid a sum not less than Rs.20 as land revenue or rent of land ~~xxx~~ for the last revenue year previous to the publication of the list of voters.

5. (i) List of voters and candidates.

By whom and in what manner and at what periods list of voters and candidates is to be prepared.

(i) The Deputy Commissioner shall, from time to time, appoint an officer of the Municipal Council, or, in the case of a new Municipality any person whom he thinks fit, to prepare a list of voters. This list shall also indicate what persons shown therein are eligible to be candidates at elections. The list shall be prepared in Kannada.

(ii) In the case of a Muncipality, whether a new Municipality or not to which Elective Councillors are to be appointed for the first time after these rules come into force, the said list shall be prepared as soon as may be after it has been notified by the Government ~~of~~ that the Municipal Council shall consist wholly or partly of such Councillors.

(iii) Similar new lists shall be prepared every year by an officer of the Municipality as aforesaid.

Publication of lists.

6. (i) Every list prepared under Rule 5 shall be published by affixing a copy thereof at the Municipal Office, or in the case of a new Municipality, at the chavadi and at such other conspicuous place or places within the Municipality, as the

Municipal Council, or, in the case of a new Municipality, the Deputy Commissioner shall appoint and also by beat of tom in the Municipality at least two months before the date herein below specified, viz :-

(a) in the case of an existing municipality, for which a new constitution is for the first time notified by the Government under section 11 of the Regulation, the date fixed by the Government for the commencement of the new constitution of such Municipality.

(b) In the case of a new Municipalit such date as the Deputy Commissioner in his discretion, fixes for the commencement of the terms of office of the first Municipal Councillors: and

(c) In respect of every list of voters after the first, the first day of October or other date the Deputy Commissioner may determine by notice to be given in that behalf and to be affixed at the Municipal Office.

Revision of lists.

7. (1) Any person whose name is not entered in the list of voters published as aforesaid and who deems that he is entitled to have his name entered therein, any person

whose name is entered in the said list and who is eligible to be a candidate at election but who is not shown as such therein, and any person whose name is entered in the said list who shall think that the name of some other person has been wrongly entered therein as a voter, or, as a voter and candidate, may apply in writing within a fortnight from the date of publication of the list, to the officer or other person appointed under Rule 5 to prepare the list, for the amendment thereof.

(ii) The officer or other person appointed as aforesaid shall forthwith forward every such application with his report thereupon, for the decision of the Municipal Council, or, in the case of a new Municipality of the Deputy Commissioner.

(iii) The officer or other person appointed to prepare the list may also bring to the notice of the Municipal Council, or, in the case of a new Municipality, of the Deputy Commissioner, within a fortnight from the date of publication of the list, any additions to, or corrections in, the list which he shall discover to be necessary, otherwise than on the application of any person interested therein.

(iv) Notice of every application

under Sub Section (i) and of every reference under Sub Section (iii) should be given by the Municipal Council, or Deputy Commissioner - receiving the same to any person affected thereby and the Municipal Council at its next meeting, or the Deputy Commissioner on such early date as he may fix in this behalf in the notice, shall consider and pass order on such application or reference. A copy of every order so passed upon an application shall without delay be communicated to the person by whom the application was made and a copy of every order, whether upon an application or a reference shall without delay be communicated to each person, if any, whose name is thereby ordered to be removed from the list of voters, or who is declared ineligible to be a candidate at election.

(v) Any appeal shall lie to the Deputy Commissioner from the decision of a Municipal Council on any such application, or, reference, but the Deputy Commissioner may declare to entertain any appeal which is not presented within ten days from the date when the decision of the Municipal Council is communicated to the appellant.

(vi) Every order passed by the Deputy Commissioner under this Rule shall be final.

Publication of additions, etc, made on revision of list

8. (1) All additions to, and corrections in the list of voters and candidates, made under the authority of the Municipal Council, or of the Deputy Commissioner on appeal or otherwise, shall be published in the manner prescribed in Rule 8 at least fourteen days before the date specified in that rule.

Custody of list.

(11) Every list of voters prepared with all additions thereto and corrections therein made under these rules shall be entered in a book, each page of which shall be sealed with the common seal of the Municipal council and the said book shall be kept in the Municipal chest or safe under lock and key, and the officer whose duty it is to keep the key of the said chest or safe shall be responsible for the safe custody of the said book.

Time and Place for Election.

Deputy Commissioner to fix and publish times and places for elections.

9. The date on which, the hours during which, and the place at which Municipal Elections shall be held shall be fixed by the Deputy Commissioner by written notice published in English and Kannada not less than fifteen days before the date prescribed in such notice, and copies of the notice shall be affixed at the Municipal Office, or, in the case of a new Municipality, at the chavadi, and at such other conspicuous place or places within the Municipality as the Municipal Council, or in the case of a new Municipality, the Deputy Commissioner appoints for this purpose and shall also be published by beat of tom tom in the municipality.

Voters at elections.

What persons may vote at a Municipal election.

10. Only those persons shall be entitled to vote at a Municipal election, whose names are entered in the revised list of voters and candidates of the Municipality in which such election is held, last published before the date of election.

Nomination of candidates

Nomination how and by whom to be made

11. (1) Every person who desires or is willing to become a candidate for a Muncipal Councillorship and who is shown in the list of voters and candidates at the election must by

Qualifications to be a Candidate

his willingness to serve, if he should be elected, to the officer appointed by the Deputy Commissioner for this purpose at least ten days before the date fixed for election.

(ii) The said officer shall, if he is satisfied that the above said person qualified as a candidate, include his name in a list of candidate which shall be prepared under his signature and posted up at the Municipal Office, or, in the case of a new Municipality, at the chavadi or other place the Deputy Commissioner appoints for this purpose, and at the places at which election is to to be held and in other conspicuous places, at least five days before the date fixed for election.

CONDUCT OF ELECTIONS.

12. A Polling-officer shall be appointed by the President of the Municipal Council, or, in the case of a new Municipality, by the Deputy Commissioner to preside at the place at which the election is to be held and to receive votes thereat. If possible, the Polling-officer shall be a person who is acquainted with, and therefore able to identify, the voters or the greater number of them.

Appointment of Polling Officer.

13. Every voter may vote for as many candidates as there are Councillors to be elected for the Municipality. A vote for any person whose name is not included in the list of candidates published under Rule 11 shall not be received.

For how many and for what persons votes may be given.

14. Voters must vote in person.

Voters to vote in person.

15. The votes shall be given by ballot.

Voting to be by ballot.

16. Each voter will pass the voting table. He will then be given a ballot paper which shall be in the following form. He will on request the Polling Officer, to score out the name or names of the candidates for whom he does not vote, retaining the name or names of the candidates, not exceeding the number of

Description of ballot.

Procedure in Voting

persons to be elected, for whom he votes, sign or affix his left thumb mark to the paper and drop it himself into the ballot box.

Names of candidates in alphabetical order	Signature or left thumb mark of the Voter.

17. (1) The voter shall then go into a private cubical, which shall be provided within the polling booth, score out the name or names of the candidates for whom he does not vote, retaining the name or names of the candidates, not exceeding the number of persons to be elected, for whom he votes and himself drop, without the Polling-officer seeing for whom he has voted, the envelope into the ballot box.

Procedure in voting.

17 (1) The ballot box shall be so constructed that the ballot paper can be introduced but not extracted without the box being unlocked and it shall be securely sealed by the President of the Municipal Council with the Municipal seal,

Provision of ballot boxes.

or, in the case of a new Municipality, by the Deputy Commissioner with the Deputy Commissioner's seal. The President or the Deputy Commissioner, as the case may be, shall certify in writing that the box is empty and hand it over personally to the Polling-officer at the Polling Office on the day of election.

(iii) One box so sealed shall be provided by the Municipal Council or, in the case of a new Municipality, by the Deputy Commissioner or such officer as he appoints in this behalf for the place at which votes are to be received. The cost of the box so provided in the case of a new Municipality shall be paid from the funds of the said Municipality as soon as may be, after its first Councillors come into office.

What votes shall be allowed by the Polling-officer.

18. No vote shall be received by the Polling-officer from any person who, under Rule 10 is not entitled to vote.

19. The Polling-officer shall satisfy himself as to the identity of the persons tendering votes, and may refuse the vote of any person who declines to answer any reasonable question put to him for this purpose or whose identity is not established to his satisfaction. He is also responsible

Polling-officer to satisfy himself of identity of persons tendering votes, etc.,

for seeing that the votes shall be recorded with absolute secrecy, that no person who is not entitled to vote shall be admitted near the voting table ~~to the polling booth~~ and that persons who have recorded their votes shall leave the place ~~booth~~ immediately.

Voting boxes how to be disposed of by Polling-officer.

20. After the close of the poll, the Polling-officer shall forthwith forward the box aforesaid with its seal or several seals intact, to the President of the Municipal Council, or to such Municipal Councillor, or officer as the President appoints in this behalf, or, in the case of a new Municipality, to the Deputy Commissioner or to such officer as the Deputy Commissioner appoints in this behalf.

Determination of results of Election

Scrutiny of votes and declaration of results of elections

21. (i) The box aforesaid shall be opened in the presence of the Municipal Councillors at a special general meeting convened for this purpose, or in the case of a new Municipality, in the presence of the Deputy Commissioner, or of such officer as the Deputy Commissioner appoints in this behalf.

(ii) The votes shall then be scrutinized and those that are valid counted by such persons as the meeting, or the Deputy Commissioner, or other officer aforesaid appoints in this bahalf. Any ballot paper on which the names of more candidates are retained than there are persons to be elected, shall be invalid.

(iii) The results of the election on being ascertained at a special general meeting of the Municipal Councillors shall be declared by the presiding officer of such meeting and shall be recorded in the minutes of the proceedings of the meeting. In any other case, the result shall be declared by the Deputy Commissioner, or, by the officer appointed by him as aforesaid. Provided that no candidate shall be considered as elected unless at least one-eighth of the total number of persons entitled to vote have appeared and recorded their votes

Proceedings when two or more Candidates have an equal number of votes, etc.

22. If there is an equal number of votes in favour of each of two or more candidates for one Councillorship, the selection of one of such persons shall be made by lot by the presiding officer of the aforesaid meeting, in such manner as the meeting shall determine, or, in the case of a new Municipality, by the Deputy Commissioner or by the officer appointed by the Deputy Commissioner as aforesaid, in such manner as the Deputy Commissioner or the said officer shall determine.

Election petitions

23. (a)No election shall be valid if any corrupt practice is committed in connection therewith by the candidate elected.

(b)A person shall be deemed to commit a corrupt practice within the meaning of these rules regulations -

(i) who, with a view to induce any voter to give or to refrain from giving a vote in favour of any candidate offers or gives any money or valuable consideration, or holds out any threat of injury, to any person, or

(ii) who gives, procures or abets the giving of a vote in the name of a voter who is not the person giving such vote.

any promise of individual profit or holds out any

And a corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge and consent or by a person who is acting under the general or special authority of such candidate with reference to the election.

EXPLANATION - A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested.

24. Every petition against the return of any candidate at a municipal election on the ground of corrupt practice shall be made in writing, signed by a person who was a candidate at the election or by not less than five electors, and the petition shall be presented to the Deputy Commissioner within one week after

the day on which the result of the election was declared. The petition shall specify the acts which the objector or objectors allege to amount to corrupt practice as affecting the result of the election, and which he or they are prepared to establish, and shall on presentation be supported by a statement made on oath by each -- objector:

Provided that on sufficient cause being shown the limit of one week prescribed by this rule may be extended by the Deputy Commissipner.

25 (1) At the time ofpresenting an election petition or within three days afterwards the objector shall give security for all cost charges, and expenses which may become payable by him to any witness summoned on his behalf, or to any respondent.

(2) The security shall be to such amount, not exceeding Rs.200 as the Deputy Commissioner may direct, and shall be given, either by a deposit of money or by recognizance entered into by not more than three sureties or partly in one way and partly in the other

26. The Deputy Commissioner may either immediately or after a summary enquiry, reject the application, after recording his reasons in writing for so doing, if he not satisfied that there are grounds for further action on the petition.

27. If the Deputy Commissioner believes after examining the objectors and making such enquiry as he deems fit, that any corrupt practice has been committed in connection with the election of the respondent, he or such officer, as he may appoint on this behalf, shall serve on the respondent a notice of the presentation of the petition together with a copy of the petition, and shall summon him and in his presence make an enquiry regarding the charges brought against him.

28. (1) The enquiry

proceedings, draw up a report of what he believes to be the facts of the case supported by the recorded evidence, and state his opinion whether the alleged corrupt practice has been committed in connection with the election of the respondent. If the officer holding the enquiry be satisfied that no case has been established against the return of the candidate whose election has been the subject of inquiry, he shall record an order to this effect and declare his election valid. If, on the other hand, he believes that allegation of corrupt practice has been established, he shall forward the proceedings with his report to the Deputy Commissioner if the enquiry is held by an officer appointed by him.

32. All costs, charges, and expenses of, and incidental to, the presentation of the petition, and the subsequent enquiry, shall be defrayed, by the parties concerned, in such manner and proportions as the Deputy Commissioner determines, and in particular any costs, charges or expenses which in the opinion of the Deputy Commissioner, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of any objector or the respondent and any needless expenses incurred or caused on the part of any objector or the respondent, may be ordered to be defrayed by the parties by whom they have been incurred or caused.

33. Any costs awarded under these rules may be recovered on application to a magistrate having jurisdiction within the limits of the municipality, or in any other place where the person from whom the money is claimable may for the time being be resident, by the distress and

and sale of any movable property within the limits of his jurisdiction belonging to such person.

34. If the Deputy Commissioner, after a perusal of the proceedings, is of opinion that the charge of corrupt practice has not been established, he may pass an order declaring the candidate duly elected. If, on the other hand, he finds that the charge of corrupt practice has been established, he shall declare the election void, and may further order that the candidate shall be incapable of holding a municipal office for a period which may extend to 5 years

35. The Deputy Commissioner may remand the proceedings to the officer holding the enquiry for further enquiry, if this be thought necessary before passing a final order. No party to the proceedings may claim, as a right, to be present in person or by counsel before the Deputy Commissioner.

36. The Deputy Commissioner may, of his own motion, make enquiry regarding the conduct of any candidate whom he has reason to suspect of having committed any corrupt practice, in connection with the election, and the case shall be investigated and disposed of in the manner prescribed in these rules.

37. When under rule 33 the election of a candidate is declared void, the Deputy Commissioner, shall direct either that the unsuccessful candidate next following on the list be declared duly elected, or that a new election be held.

Custody and Destruction of Voting-Papers

Custody and Destruction of Voting-papers.

Safe custody of voting-papers and Polling officer's memoranda.

38. When the voting papers have been scrutinized, they shall be replaced in the box from which they were taken, and the box, after being locked and sealed with the Municipal seal, or, in the case of a new Municipality, with the Deputy Commissioner's seal, shall be kept by the President of the Municipal Council, or, in the case of a new Municipality, by or under the direction of the Deputy Commissioner, in safe custody for a period of fifteen days from the date of the result of election.

Eventual destruction of voting-papers and Polling officer's memoranda.

39. (i) On the expiry of fifteen days from the said date, or, if an application regarding the election is made to the Deputy Commissioner under rule 24 and such application is not finally disposed of before the expiry of fifteen days from the said date, then, whenever such application has been finally disposed of, the voting papers shall be destroyed in the presence of such Municipal Councillor or officer as the Municipal Council appoints for this purpose, or, in the case of a new Municipality, in the presence of the Deputy Commissioner or of such officer as the Deputy Commissioner appoints in this behalf.

(ii) On receipt from any person of a written intimation that he has made an application regarding the election as aforesaid, the Municipal Councillor, or in the case of a new Municipality the Deputy Commissioner, or other officer appointed by him as aforesaid, shall cause the voting-papers to be kept, pending the final disposal of the said application.

Gazetting the Results of Election.

40. The result of every election declared at a special meeting under Rule 21 shall be certified by the presiding officer of such meeting to the Deputy Commissioner who shall notify it in the Mysore Gazette. The Deputy Commissioner shall also similarly notify the result of every election declared under the said rule by himself, or, by ~~the~~ an officer appointed by him for being published in the ~~Govt~~ Gazette.

Publication of results of elections in the Mysore Gazette.

41. On a vacancy occuring in a Municipality between two general elections, it shall be reported by the President of the Municipal Council to the Deputy Commissioner and the above rules shall apply to such bye-elections except Rules 9 and 10. The last revised list of voters and candidates shall be published and persons entered in that list, unless disqualified in the meantime, shall alone be considered entitled to vote or to be elected. Provided that no bye-election shall, except with the sanction of the Deputy Commissioner be held later than one month after the vacancy is reported.

Bye-elections.

By Order,

Secretary to Government.
Revenue Department.

To
The Commissioner, Mysore Gazette for publication in the Gazette with the requisite number of Special copies of the Notification.

27-5-1918

GP3.

3 P

NOTIFICATION

No 600—Ml, 57-18-1, dated 8th July 1918

In exercise of the powers conferred by Section 11 (*c*) of the Mysore Municipal Regulation, No VII of 1906, and in supersession of the existing Rules on the subject, the Government of His Highness the Maharaja of Mysore are pleased to make the following Rules prescribing the qualifications of voters and candidates at elections of Municipal Councillors in every Minor Municipality in which the election system is introduced and regulating the conduct of such elections

Preliminary

Title of these rules

1 These rules may be sited as "the Election Rules for Minor Municipal Councils, 1918"

Definitions

2 In these rules (i) "a new Municipality', means a Municipality newly established by the Government of His Highness the Maharaja of Mysore, but of which the first Municipal Councillors have not yet entered upon their office,

(ii) 'the Deputy Commissioner" means the Deputy Commissioner of the District in which the Municipality in question is situate and includes an Assistant Commissioner may delegate, as he is hereby empowered to delegate, any of his powers or duties under these rules

(iii) "the Regulation" means the Mysore Municipal Regulation, VII of 1906

Qualifications of Voters and Candidates

Qualifications of voters

3 "Unless disqualified under Section 21 of the Regulation by being less than 21 years of age, all persons who are of sound mind and who are not deaf-mutes and who are subjects of Mysore or of any other State in India and all British Subjects, qualified as voters under Section 12 (*a*) and (*b*) of the Regulation and the following persons of the male sex, shall be entitled to have their names entered in the list of voters, *viz* —

Who have been residents of the Municipality for not less than six consecutive months next prior to the date of the publication of the list of voters

(i) First and second grade pleaders holding Sanads from the Chief Court of Mysore

(ii) Persons upon whom titles have been conferred by the Government of India, or, by His Highness the Maharaja of Mysore

(iii) Servants of Government or of any corporation or of any Company registered under Regulation VIII of 1917 whose salary is not less than Rs 10 per mensem

(iv) Patels and Shanbhogs actually doing the duties of their respective offices

(v) Persons on receipt of pensions of not less than Rs 7 per mensem from Government or from any public body, or corporation or company registered as aforesaid

(vi) Registered landholders whose holdings are assessed (or in the case of alienated) lands would be assessed if they were not alienated) to the Land Revenue at an amount not less than Rs 2

(vii) Persons who have obtained a completed Secondary School Leaving Certificate and

(viii) Persons who have passed the Kannada Upper Secondary Examination

(ix) (*a*) Persons who have paid for a period of not less than six months next prior, to the date of the publication of the list of voters Municipal taxes other than octroi or toll, of an amount not less than Re 1

(*b*) Persons who have been during the period aforesaid the occupiers as owners mortgagees or tenants of buildings on account of which there has been paid for such period a tax of not less than the amount fixed under the above part

(x) In the case of a new Municipality

(*a*) Persons holding immovable property within the Municipality valued by the Deputy Commissioner or such officer as he appoints in this behalf at Rs 100 or more

(*b*) Persons who have paid in respect of the year immediately preceding the election, mohatarfa tax of an amount not less than Rs 2 and

(*c*) Persons who have been residents of the Municipality for not less than six consecutive months prior to the date of publication of the list of voters and who have paid to Government or to an Inamdar for the last revenue year previous to the said date, on account of land revenue or, of rent of land, a sum of Rs 10 or more

Provided that —

(*a*) When any qualification prescribed by this rule is possessed by an undivided family or any association or body of individuals, other than a company or firm or any trustees, being two or more in number, of any building or land, any one individual person duly authorised in this behalf by the members of such family, association or body or by such trustees and when such qualifications is possessed by any company or firm, the resident member manager or agent thereof shall, unless he is disqualified under Section 21 of the Regulation on account of being less than 21 years of age, be entitled to have his name entered in the list of voters on behalf of such family or association or body or trustees or company or firm

(*b*) If any person whose name is entered in the said list under proviso (*a*) possess, on his own separate account any qualification prescribed as aforesaid he shall be entitled to have his name entered in the said list separately on his own account

(*c*) Except in the case mentioned in proviso (*b*) no person shall be entitled to more than one vote although he be qualified under two or more tests of qualifications prescribed by this rule or by Section 12 of the Regulation

What persons may be candidates at a Municipal election

4 Voters of the classes described below shall, unless illiterate or disqualified under Section 15 of the Regulation, be qualified to be candidates for Municipal Councillorship at such election —

(*a*) Persons mentioned in Section 12 (*a*) and (*b*) of the Regulation,

(*b*) Persons mentioned in paras (i), (ii), (iv) (vii) and (viii)) of Rule 3 *supra*

(*c*) Persons other than Government servants described in para (iii) of Rule 3 *supra* if their pay is not less than Rs 25

(*d*) Pensioners of the kind described in para (v) of Rule 3 *supra*, provided that their pension is not less than Rs 10 a month

(*e*) Registered landholders whose holdings are assessed (or in the case of alienated lands would be assessed if they were not alienated) to the land revenue at an amount not less than Rs 5

(*f*) (1) Persons paying Municipal taxes of amounts not less than Re 1

(2) Persons who have been the occupiers as owners, mortgagees or tenants of buildings on account of which there has been paid a tax of not less than the amount fixed under the above sub para, and

(*g*) In the case of new Municipalities (*q*) all persons mentioned in (*a*) (*b*), (*c*) and (*d*), (ii) persons owning immovable property valued at not less than Rs 250, (iii) persons who have paid in respect of the year immediately preceding the election mohatarfa tax of an amount not less than Rs 6, and (iv) persons who have paid a sum not less than Rs 20 as land revenue or rent of land for the last revenue year previous to the publication of the list of voters

List of Voters and Candidates

By whom and in what manner and at what period list of voters and candidates is to be prepared

5 The Deputy Commissioner shall, from time to time, appoint an officer of the Municipal Council, or, in the case of a new Municipality any person whom he thinks fit, to prepare a list of voters This list shall also indicate what persons shown therein are eligible to be candidates at elections The list shall be prepared in Kannada

(ii) In the case of a Municipality, whether a new Municipality or not to which Elective Councillors are to be appointed for the first time after these rules come into force, the said list shall be prepared as soon as may be after it has been notified by the Government that the Municipal Council shall consist wholly or partly of such Councillors

(iii) Similar new lists shall be prepared every year by an officer of the Municipality as aforesaid

6 (1) Every list prepared under Rule 5 shall be published by affixing a copy thereof at the Municipal Office, or in the case a new Municipality, at the chavadi and at such other conspicuous place or places within the Municipality, as the Municipal Council, or, in the case of a new Municipality the Deputy Commissioner shall appoint and also by beat of tom-tom in the Municipality at least two months before the date herein below specified viz —

Publication of lists

(a) In the case of an existing Municipality, for which a new constitution is for the first time notified by the Government under Section 11 of the Regulation, the date fixed by the Government for the commencement of the new constitution of such Municipality,

(b) In the case of new Municipality such date as the Deputy Commissioner in his discretion, fixes for the commencement of the terms of Office or the first Municipal Councillors, and

(c) In respect of every list of voters after the first, the first day of October or other date the Deputy Commissioner may determine by notice to be given in that behalf and to be affixed at the Municipal Office

7 (1) Any person whose name is not entered in the list of voters published as aforesaid and who deems that he is entitled to have his name entered therein, any person whose name is entered in the said list and who is eligible to be a candidate at election but who is not shown as such therein, and any person whose name is entered in the said list who shall think that the name of some other person has been wrongly entered therein as a voter, or, as a voter and candidate, may apply in writing within a fortnight from the date of publication of the list, to the officer or other person appointed under Rule 5 to prepare the list, for the amendment thereof

[illegible] sion of lists

(ii) The officer or other person appointed as aforesaid shall forthwith forward every such application with his report thereupon, for the decision of the Municipal Council, or in the case of a new Municipality of the Deputy Commissioner

(iii) The officer or other person appointed to prepare the list may also bring to the notice of the Municipal Council or, in the case of a new Municipality of the Deputy Commissioner within a fortnight from the date of publication of the list, any additions to, or corrections in, the list which he shall discover to be necessary, otherwise than on the application of any person interested therein

(iv) Notice of every application under sub-section (i) and of every reference under sub-section (iii) should be given by the Municipal Council, or Deputy Commissioner receiving the same to any person affected thereby and the Municipal Council at its next meeting, or, the Deputy Commissioner on such early date as he may fix in this behalf in the notice, shall consider and pass order on such application or reference A copy of every order so passed upon an application shall without delay be communicated to the person by whom the application was made and a copy of every order, whether upon an application or a reference shall without delay be communicated to each person if any whose name is thereby ordered to be removed from the list of voters or who is declared ineligible to be a candidate at election

(v) An appeal shall lie to the Deputy Commissioner from the decision of a Municipal Council on any such application or, reference but the Deputy Commissioner may decline to entertain any appeal which is not presented within ten days from the date when the decision of the Municipal Council is communicated to the appellant

(vi) Every order passed by the Deputy Commissioner under this rule shall be final

8 (i) All additions to and corrections in the list of voters and candidates made under the authority of the Municipal Council or of the Deputy Commissioner on appeal or otherwise shall be published in the manner prescribed in Rule 8 at least 14 days before the date specified in that rule

[illegible] of additions etc made on revision of list

(ii) Every list of voters prepared with all additions thereto and corrections therein made under these rules shall be entered in a book each page of which shall be sealed with the common seal of the Municipal Council and the said book shall be kept in the Municipal office in some [illegible] and the officer whose duty it is to keep the list of the said office for the time shall be responsible for the safe custody of the said book

[illegible] of list

Time and place for Election

Deputy Commissioner to fix and publish times and places for elections

9 The date on which, the hours during which, and the place at which Municipal elections shall be held shall be fixed by the Deputy Commissioner by written notice published in English and Kannada and not less than fifteen days before the date prescribed in such notice, and copies of the notice shall be affixed at the Municipal Office, or, in the case of a new Municipality, at the chavadi, and at such other conspicuous place or places within the Municipality as the Municipal Council, or in the case of a new Municipality, the Deputy Commissioner appoints for this purpose and shall also be published by beat of tom-tom in the Municipality

Voters at Elections

What persons may vote at a Municipal election

10 Only those persons shall be entitled to vote at a Municipal election, whose names are entered in the revised list of voters and candidates of the Municipality in which such election is held, last published before the date of election

Nomination of Candidates

Nomination how and by whom to be made

11 (i) Every person who desires or is willing to become a candidate for a Municipal Councillorship and who is shown in the list of voters and candidates as eligible to be a candidate at the election must signify in writing his willingness to serve, if he should be elected, to the officer appointed by the Deputy Commissioner for this purpose at least ten days before the date fixed for election

(ii) The said officer shall, if he is satisfied that the said person is qualified as a candidate, include his name in a list of candidates which shall be prepared under his signature and posted up at the Municipal Office, or, in the case of a new Municipality, at the chavadi or other place the Deputy Commissioner appoints for this purpose, and at the place at which the election is to be held and in other conspicuous places, at least five days before the date fixed for election

Conduct of Elections

Appointment of Polling officer

12 A Polling-officer shall be appointed by the President of the Municipal Council, or in the case of a new Municipality, by the Deputy Commissioner to preside at the place at which the election is to be held and to receive votes thereat If possible, the Polling-officer shall be a person who is acquainted with, and therefore able to identify, the voters or the greater number of them

For how many and for what persons votes may be given

13 Every voter may vote for as many candidates as there are Councillors to be elected for the Municipality A vote for any person whose name is not included in the list of candidates published under Rule 11 shall not be received

14 Voters must vote in person

Voters to vote in person

15 The votes shall be given by ballot

Voting to be by ballot

Description of ballot and procedure in voting

16 Each voter will pass the voting table He will then be given a ballot paper which shall be in the following form He will, or request the Polling-officer to score out the name or names of the candidates for whom he does not vote, retaining the name or names of the candidates not exceeding the number of persons to be elected for whom he votes, sign or affix his left thumb mark to the paper and drop it himself into the ballot box

Names of candidates in alphabetical order	Signature or left thumb mark of the voter

17 (i) The ballot box shall be so constructed that the ballot paper can be introduced but not extracted without the box being unlocked and it shall be securely sealed by the President of the Municipal Council with the Municipal seal, or in the case of a new Municipality, by the Deputy Commissioner with the Deputy Commissioner's seal The President or the Deputy Commissioner, as the case may be, shall certify in writing that the box is empty and hand it over personally to the Polling-officer at the polling-office on the day of election

Provision of ballot boxes

(ii) One box so sealed shall be provided by the Municipal Council or, in the case of a new Municipality, by the Deputy Commissioner or such officer as he appoints in this behalf for the place at which votes are to be received The cost of the box so provided in the case of a new Municipality shall be paid from the funds of the said Municipality as soon as may be, after its first Councillors come into office

18 No vote shall be received by the Polling-officer from any person who, under Rule 10 is not entitled to vote

What votes shall be allowed by the Polling officer

19 The Polling-officer shall satisfy himself as to the identity of the persons tendering votes and may refuse the vote of any person who declines to answer any responsible question put to him for this purpose or whose identity is not established to his satisfaction He is also responsible for seeing that the votes shall be recorded with absolute secrecy that no person who is not entitled to vote shall be admitted near the voting table and that persons who have recorded their votes shall leave the place immediately

Polling officer to satisfy himself of identity of persons tendering votes etc

20 After the close of the poll, the Polling-officer shall forthwith forward the box aforesaid with its seal or several seals intact, to the President of the Municipal Council or to such Municipal Councillor, or officer as the President appoints in this behalf, or, in the case of a new Municipality, to the Deputy Commissioner or to such officer as the Deputy Commissioner appoints in this behalf

Voting box how to be disposed of by Polling officer

Determination of results of Election

21 (i) The box aforesaid shall be opened in the presence of the Municipal Councillors at a special general meeting convened for this purpose, or in the case of a new Municipality in the presence of the Deputy Commissioner or of such officer as the Deputy Commissioner appoints in this behalf

Scrutiny of votes and declaration of results of elections

(ii) The votes shall then be scrutinized and those that are valid counted by such persons as the meeting, or the Deputy Commissioner, or other officer aforesaid appoints in this behalf Any ballot paper on which the names of more candidates are returned than there are persons to be elected shall be invalid

(iii) The results of the election on being ascertained at a special general meeting of the Municipal Councillors shall be declared by the presiding officer of such meeting and shall be recorded in the minutes of the proceedings of the meeting In any other case the result shall be declared by the Deputy Commissioner or, by the officer appointed by him as aforesaid Provided that no candidate shall be considered as elected unless at least one-eighth of the total number of persons entitled to vote have appeared and recorded their votes

22 If there is an equal number of votes in favour of each of two or more candidates for one Councillorship the selection of one of such persons shall be made by lot by the presiding officer of the aforesaid meeting in such manner as the meeting shall determine or in the case of a new Municipality by the Deputy Commissioner or by the officer appointed by the Deputy Commissioner as aforesaid in such manner as the Deputy Commissioner or the said officer shall determine

Proceeding when two or more candidates have an equal number of votes etc

Election Petitions

23 (i) No election shall be valid if any corrupt practice is committed in connection therewith by the candidate elected

(*b*) A person shall be deemed to commit a corrupt practice within the meaning of these rules —

(i) Who, with a view to induce any voter to give or to refrain from giving a vote in favour of any candidate offers or gives any money or valuable consideration or holds out any promise of individual profit or holds out any threat or injury, to any person, or

(ii) who gives, procures or abets the giving of a vote in the name of a voter who is not the person giving such vote

And a corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge and consent or by a person who is acting under the general or special authority of such candidate with reference to the election

Explanation —A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested

24 Every petition against the return of any candidate at a Municipal election on the ground of corrupt practice shall be made in writing, signed by a person who was a candidate at the election or by not less than five electors, and the petition shall be presented to the Deputy Commissioner within one week after the day on which the result of the election was declared The petition shall specify the acts which the objector or objectors allege to amount to corrupt practice as affecting the result of the election, and which he or they are prepared to establish, and shall on presentation be supported by a statement made on oath by each objector

Provided that on sufficient cause being shown, the limit of one week prescribed by this rule may be extended by the Deputy Commissioner

25 (i) At the time of presenting an election petition or within three days afterwards, the objector shall give security for all costs, charges, and expenses which may become payable by him to any witness summoned on his behalf, or to any respondent

(ii) The security shall be to such amount not exceeding Rs 200, as the Deputy Commissioner may direct, and shall be given, either by a deposit of money or by recognizance entered into by not more than three sureties or partly in one way and partly in the other

26 The Deputy Commissioner may either immediately or after a summary enquiry, reject the application, after recording his reasons in writing for so doing, if he is not satisfied that there are grounds for further action on the petition

27 If the Deputy Commissioner believes after examining the objectors and making such enquiry as he deems fit, that any corrupt practice has been committed in connection with the election of the respondent, he or such officer, as he may appoint on this behalf, shall serve on the respondent a notice of the presentation of the petition together with a copy of the petition, and shall summon him and in his presence make an enquiry regarding the charges brought against him

28 (i) The enquiry shall be held in a place to which the public have free access, and notice of the time and place of enquiry shall be given to the parties not less than 7 days before the first day of the enquiry

(ii) The place of enquiry shall be within the Municipality, except that the officer holding the enquiry may on being satisfied that special circumstances exist rendering it desirable that the enquiry should be held elsewhere appoint some other convenient place for the enquiry

29 Where the respondent does not appear when the enquiry is instituted then

(i) If it is proved that the summons was duly served, the officer holding the enquiry may proceed with the enquiry *ex-parte*,

(ii) If it is not proved that the summons was duly served, the officer holding the enquiry shall direct a second summons to be issued and served on the respondent

30 For the purpose of compelling the appearance of witnesses or the production of documents or other movable property and of recording evidence, the officer holding the enquiry shall exercise the same powers as are exercisable by a District Magistrate under Chapters VI and VII of the Criminal Procedure Code, II of 1904

31 The officer holding the enquiry shall make a record of all relevant evidence tendered, and shall at the conclusion of the proceedings draw up a report of what he believes to be the facts of the case supported by the recorded evidence, and state his opinion whether the alleged corrupt practice has been committed in connection with the election of the respondent If the officer holding the enquiry be satisfied that no case has been established against the return of the candidate whose election has been the subject of inquiry, he shall record an order to this effect and declare his election valid If on the other hand he believes that allegation of corrupt practice has been established, he shall forward the proceedings with his report to the Deputy Commissioner if the enquiry is held by an officer appointed by him

32 All costs, charges, and expenses of, and incidental to the presentation of the petition, and the subsequent enquiry shall be defrayed by the parties concerned, in such manner and proportions as the Deputy Commissioner determines, and in particular any costs charges and expenses which in the opinion of the Deputy Commissioner, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of any objector or the respondent and any needless expenses incurred or caused on the part of any objector or the respondent may be ordered to be defrayed by the parties by whom they have been incurred or caused

33 Any costs awarded under these rules may be recovered on application to a Magistrate having jurisdiction within the limits of the Municipality, or in any other place where the person from whom the money is claimable may for the time being be resident, by the distress and sale of any movable property within the limits of the jurisdiction belonging to such person

34 If the Deputy Commissioner after a perusal of the proceedings, is of opinion that the charge of corrupt practice has not been established he may pass an order declaring the candidate duly elected If on the other hand he finds that the charge of corrupt practice has been established, he shall declare the election void and may further order that the candidate shall be incapable of holding a Municipal office for a period which may extend to 5 years

35 The Deputy Commissioner may remand the proceedings to the officer holding the enquiry for further enquiry, if this be thought necessary before passing a final order No party to the proceedings may claim, as a right, to be present in person or by counsel before the Deputy Commissioner

36 The Deputy Commissioner may, of his own motion make enquiry regarding the conduct of any candidate whom he has reason to suspect of having committed any corrupt practice, in connection with his election, and the case shall be investigated and disposed of in the manner prescribed in these rules

37 When under Rule 33 the election of a candidate is declared void the Deputy Commissioner, shall direct either that the unsuccessful candidate next following on the list be declared duly elected, or that a new election be held

Custody and Destruction of Voting Papers

Safe custody of voting papers and Polling officer's memoranda

38 When the voting papers have been scrutinized they shall be replaced in the box from which they were taken and the box, after being locked and sealed with the Municipal seal, or in the case of a new Municipality with the Deputy Commissioner's seal shall be kept by the President of the Municipal Council, or in the case of a new Municipality by or under the direction of the Deputy Commissioner in safe custody for a period of fifteen days from the date of the result of election

Eventual destruction of voting papers and Polling officer's memoranda

39 (1) On the expiry of fifteen days from the said date or if an application regarding the election is made to the Deputy Commissioner under Rule 24 and such application is not finally disposed of before the expiry of fifteen days from the said date then whenever such application has been finally disposed of, the voting papers shall be destroyed in the presence of such Municipal Councillor or officer of the Municipal Council appoints for this purpose or in the case of a new Municipality in the presence of the Deputy Commissioner or of such officer as the Deputy Commissioner appoints in this behalf

(m) On receipt from any person of a written intimation that he has made an application regarding the election as aforesaid, the Municipal Councillor, or in the case of a new Municipality, the Deputy Commissioner, or other officer appointed by him as aforesaid, shall cause the voting-papers to be kept, pending the final disposal of the said application

Gazetting the Results of Election

Publication of results of elections in the *Mysore Gazette*

40 The result of every election declared at a special meeting under Rule 21 shall be certified by the presiding officer of such meeting to the Deputy Commissioner who shall notify it in the *Mysore Gazette* The Deputy Commissioner shall also similarly notify the result of every election declared under the said rule by himself, or by an officer appointed by him for being published in the said Gazette.

Bye-Elections

41 On a vacancy occurring in a Municipality between two general elections it shall be reported by the President of the Municipal Council to the Deputy Commissioner and the above rules shall apply to such bye-elections except Rules 9 and 10 The last revised list of voters and candidates shall be published and persons entered in that list, unless disqualified in the meantime, shall alone be considered entitled to vote or to be elected Provided that no bye-election shall, except with the sanction of the Deputy Commissioner be held later than one month after the vacancy is reported

By Order,
B RAMASWAMAIYA,
Secretary to Government,
Revenue Department